

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-19-066
)	
Plaintiff,)	Ravalli County District Court
)	Montana Twenty-First Judicial District
-vs-)	
)	DECISION
DAVID JAMES WANNER,)	
)	
<u>Defendant.</u>)	

On March 5, 2020, the Court sentenced the Defendant per the plea agreement, and sentenced him as follows: Count I: A commitment to the custody of the Department of Corrections for a period of five (5) years, with none of those years suspended, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA; Count II: A 180-day commitment to the Ravalli County Detention Center with all but one (1) day suspended, for the offense of Violation of a Protective Order, a Misdemeanor, in violation of §45-5-626, MCA; and Count III: A 180-day commitment to the Ravalli County Detention Center, all suspended, for the offense of Criminal Possession of Drug Paraphernalia, a Misdemeanor, in violation of §45-10-103, MCA. The Counts were ordered to run concurrently. The Defendant was given 283 days credit for time served. The Court recommended the Defendant be screened for all appropriate non-prison placements, and specifically screened for all applicable drug or substance abuse and mental health treatment programs.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Missoula Assessment and Sanction Center, and was represented by Dan Biddulph, Defense Counsel, who appeared by video from Missoula, Montana. The State was not represented. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



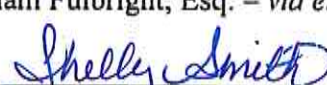
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
David James Wanner #3028251, Defendant
Hon. Jennifer Lint – *via email*
Dan Biddulph, Defense Counsel – *via email*
State Office of the Public Defender – *via email*
William Fulbright, Esq. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division